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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/736,952

12/13/2000

Mai-lan Tomsen

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08/30/2006

DIGEO, INC.

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,952

Applicant(s)

TOMSEN, MAI-LAN

Examiner

KIEU-OANH BUI

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17-20,24,26,27,31,32 and 35-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-20,24,26,27,31,32,35-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/27/06 has been entered.

Remark

2. Claims 2, 16, 21-23, 25, 28-30, and 33-34 have been cancelled, and new claims 35-44 have been added. Pending claims 1, 3-15, 17-20, 24, 26-27, 31-32, and 35-44 are for reconsideration.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-15, 17-20, 24, 26-27, 31-32, and 35-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-15, 17-20, 24, 26-27, 31-32, and 35-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (U.S. Patent No. 5,227,874) in view of Rowe et al. (US Patent 6,792,615 B1).

Regarding claim 1, Von Kohorn discloses “a method, comprising: correlating different sets of information to determine whether to provide a promotion; if the promotion is to be provided, providing a broadcast segment that displays information related to the promotion as part of an interactive video display transmission; and processing a command sent from a user input device in response to the displayed information to initiate a transaction related to the promotion”, i.e., as shown in Figs. 1-4, a user can participate in an interactive video display session within the television/video interactive system using a remote user input device for controlling and providing the user commands in response to the displayed information relate to a promotion on the display screen, refer to col. 1/line 43-col. 2/line 27 for advertisements and promotional campaign for inviting the viewer to buy a product(s) or service(s), and further on col. 2/lines 40-65, col. 3/lines 43-66, col. 6/line 44 to col. 7/line 20; and further in col. 47/line 40 to col. 48/line 65 for an example of interactive video display for determining whether to provide a promotion).

Von Kohorn does not clearly show the step of “wherein the different sets of information include a first set of product data and a second set of data related to the broadcast segment”; however, this technique is clearly taught by Rowe as Rowe discloses that the product information from advertisers or vendors can be incorporated into the television and video broadcasting system so that the user/viewer can together view some broadcasting or promotion segments (ads) together with the related product information if the user/viewer is interested in more information and purchase the products/services (refer to Rowe, Figs. 5 for commercial transaction processing 200 and col. 21/lines 3-35; and item 200 is a part of system of Fig. 12, see col. 37/line 39 to col. 38/line 13 & col. 16/lines 31-65 for details on how the promotions/ads segments being broadcasted to user/viewer). Therefore, it would have been obvious to one of ordinary skill in the art at the time to modify Von Kohorn’s system with Rowe’s teaching technique of incorporating commercial transaction processing unit as taught by Rowe in order to provide the user/viewer a quick and interactive service in obtaining further details on products and services if the user/viewer is interested to find out more information while viewing some promotion ads on the TV display before making decision on whether to buy the product/service or not.

(Claim 2 has been cancelled).

As for claim 3, Von Kohorn discloses “wherein information includes a third set of data related to a user profile”, i.e., stimuli is gathered and recorded as the user’s profile of behavior in buying products/services for providing future appropriate products/services for personal selections for even individuals within a household, refer to col. 3/lines 43-66.

As for claims 4 and 35-37, Von Kohorn discloses “wherein the product data comprises data indicative of at least one of date, time, season, or merchant product volume information” (col. 2/lines 43-64).

As for claim 5, Von Kohorn further discloses “wherein the user profile comprises data indicative of one of a purchase history, personal interest, income level, gender, age, or broadcast segment viewing history” (col. 2/lines 43-64 and col. 100/line 35 to col. 101/line 29 & col. 102/lines 6-20 for user behavior or purchase history with individual or personal interest is used by the system for targeting future advertisements or promotions).

As for claim 6, Von Kohorn further discloses “comprising generating the purchase history by storing information indicative of previous user transactions with a network accessible via an interactive video casting system” (col. 102/lines 6-20, refer back to claim 5 above).

As for claim 7, Von Kohorn discloses further “comprising subsequent to processing the command sent from the user input device, applying the promotion to a transaction with a user”, i.e., as discussed above in claim 1, the user uses a remote input device for processing the command, and the promotion offered can be selected to the transaction, refer to Fig. 28 for the process of presenting the advertising product to the viewer and the viewer selects an area of interest, and further based on response, the user has further credits/rewards for future promotions, refer again to col. 2/lines 43-64).

As for claim 8, Von Kohorn further discloses “comprising subsequent to processing the command sent from the user input device, storing in a storage unit a credit related to the promotion that is usable for a future transaction” (accumulated records or credit or coupon can be stored for later or future transactions, refer to Fig. 33 and col. 101/lines 30-64).

As for claims 9 and 38-40, Von Kohorn discloses “wherein the command comprises a first command, the method further comprising: comparing a user's current transaction conducted via the interactive video display transmission to promotion information stored in a storage unit associated with the user, the promotion information corresponding to at least one promotion previously provided to the user; if the at least one promotion corresponding to promotion information stored in the user's storage unit is applicable to the user's current transaction, providing all applicable promotions to the user; receiving a second command sent from the user input device to apply at least one of the provided promotions to the user's current transaction; and removing information related to the applied at least one promotion from the storage unit” (refer to claims 1, and 7-8 above, as the user can present credit or coupon at the user's unit at step 1015 by printing the credit at step 1007, which indicated the user record 1018 can be stored at the user device; in addition, Fig. 18 shows a response unit from the viewer includes a memory for storing accumulated records, refer to col. 57/line 41 to col. 58/line 21).

As for claim 10, Von Kohorn discloses “wherein the command comprises a first command, the changing a frequency of providing of promotions in method further comprising response to a second command received from the user input device” (col. 1/lines 35-58, as the frequency or campaign of advertisement changes, the selection from the user is changing according based on the available of products or services).

As for claims 11 and 41-43, Von Kohorn further discloses “comprising correlating the promotion with a calendar entry in a calendar of a user; and displaying the promotion together with the calendar entry to the user” (col. 107/lines 29-42 as any time of the calendar associated

Art Unit: 2623

with a viewer/user which can be applied for providing advertisements or promotions to the viewer).

As for claim 12, Von Kohorn discloses “wherein the interactive video display transmission comprises a transmission from an interactive video casting system” (Figs. 1 & 3, col. 2/lines 43-64 and col. 67/lines 13-66 for a broadcasting video system as TV viewers can interact or participate in the video casting system for an event or a game show).

As for claim 13, Von Kohorn discloses “wherein the interactive video display transmission is provided from an interactive video casting system, the method further comprising using information related to previous use of the interactive video casting system to provide a promotion based on frequency of use of the interactive video casting system” (refer to claims 6, 8 and 10).

As for claim 14, Von Kohorn discloses further “comprising: storing information related to the promotion in a storage location if at least a portion of the broadcast segment is stored; and retrieving the stored information from the storage location during retrieval of the stored portion of the broadcast segment and providing the promotion along with the retrieved portion of the broadcast segment to the user” (accumulated records or credit or coupon can be stored for later or future transactions, refer to Fig. 33 and col. 101/lines 30-64).

Regarding claims 15, 17-20, 24, 26-27, and 31-32, these claims for “an article of manufacture, comprising a machine-readable medium having stored thereon machine-readable instructions” applied the above method; for “a server for an interactive video casting system” (Fig. 6 for a central station equipped with a processor, and, as shown in Fig. 31, the central station further includes or comprises a data facility for storing the user’s profiles); and for the

Art Unit: 2623

system and its corresponding method, with combined above limitations already addressed above and amended feature of correlate different sets of information to determine whether to provide a promotion and if the promotion is to be provided, combine the promotion with a broadcast, are all rejected for the reasons given in the scope of claims 1, and 3-14 in view of Von Kohorn and Rowe as disclosed in details above.

As for claim 44, Von Kohorn further discloses “comprising correlating the promotion with a calendar entry in a calendar of a user; and displaying the promotion together with the calendar entry to the user” (col. 107/lines 29-42 as any time of the calendar associated with a viewer/user which can be applied for providing advertisements or promotions to the viewer). In addition, Rowe teaches this promotion can be performed via at least one portal (refer to col. 28, lines 42-61) as the user is being assigned an IP address for accessing the Internet and customized program is delivered to appropriate user.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Herz (U.S Pat. No.6,029,195) discloses a system for customized electronic identification of desirable objects.

Hendricks et al. (U.S. pat. No.6,463,585 B1) disclose a targeted advertisement using television delivery systems.

Art Unit: 2623

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2623.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "K. Bui", with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB

August 24, 2006